

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.71 of 2017
and
C.M.P. No.1546 of 2017

M.Revathi

... Petitioner

-vs-

K.Raja Thiruvengadam

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.1672 of 2016 from the file of the Principal Family Court, Chennai to the file of the Sub Court, Namakkal.

For Petitioner : Mr.S.Baskaran

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.1672 of 2016 pending on the file of the Principal Family Court, Chennai to the file of the Sub Court, Namakkal.

2.Learned counsel appearing for the petitioner would submit that since the marriage was solemnised on 18.11.2005 at Thindalmalai Murugan Temple, Erode, the Principal Family Court, Chennai has no jurisdiction at all to decide the matter. When the petitioner is not having resident or resided at any point of time in Chennai, wrongly giving the address as if the petitioner has been residing at Chennai, the H.M.O.P. No.1672 of 2016 has been filed by the respondent before the Principal Family Court, Chennai. After the marriage of two years, when the petitioner, respondent, the petitioner's mother and the child went to Palanimalai Murugan Temple, met with an accident and the petitioner suffered grievous injuries. Thereafter, the attitude of the respondent, his father and mother was totally changed. In view thereof, the respondent filed a petition in H.M.O.P. No.1672 of 2016 seeking divorce before the Principal Family Court, Chennai. As the petitioner finds it difficult to undertake long journey along with her child, she has been advised to come to this Court. Therefore, if the H.M.O.P. No.1672 of 2016 is transferred to the file of the Sub Court,

Namakkal, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 15.07.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent either through counsel or by himself.

4.Taking note of the facts that the petitioner has to travel long distance along with her child and although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.1672 of 2016 pending before the Principal Family Court, Chennai to the file of the Sub Court, Namakkal. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.1672 of 2016 pending on the file of the Principal Family Court, Chennai is withdrawn and transferred to the file of the Sub Court, Namakkal.

5.The learned Sub Judge, Namakkal is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.1546 of 2017 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Judge,
Family Court,
Chennai.

2.The Sub Judge,
Namakkal.

Tr. C.M.P. No.71 of 2017
and C.M.P. No.1546 of 2017

GN(21/08/2019)